



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
 NORTHEAST REGIONAL OFFICE
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 NEW YORK, NY 10281-1022

USDS SDNY
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June 29, 2006

Via Facsimile to (212) 805-7901

The Honorable Harold Baer, Jr.
 United States District Judge
 Southern District of New York
 United States Courthouse
 500 Pearl Street, Chambers 2230
 New York, New York 10007-1312

Re: SEC v. BrightPoint, Inc. et al.; 03 Civ. 7045 (HB) (SDNY)

Dear Judge Baer:

Plaintiff Securities and Exchange Commission writes to update the Court on the status of the above-captioned case and to request that the Court lift the stay of the Commission's case against Defendant Timothy Harcharik. The stay was entered due to pending criminal proceedings against Harcharik in the Southern District of Indiana. On March 23, 2006, in response to a request from the United States Attorney's Office for the Southern District of Indiana, the Court entered an order extending until June 30, 2006 the stay of the Commission's civil proceedings. At the time of the USAO's request, Harcharik's criminal trial in the Southern District of Indiana was scheduled for June 12, 2006. The stay of the Commission's proceedings was not objected to by the Commission or Harcharik.

On April 20, 2006, the District Court for the Southern District of Indiana granted a motion by defendant Harcharik to dismiss the criminal indictment against him for lack of proper venue. Counsel for the Commission was just informed by the USAO that it would not object to the lifting of the stay in the present case. Accordingly, the Commission requests that the stay of these proceedings be lifted.

Counsel for the Commission has attached a proposed scheduling order for the Court's consideration. The proposed order advances the dates from the scheduling order that was in place prior to the stay. Counsel for the Commission attempted to confer with counsel for Harcharik regarding the schedule, but he was unavailable due to an ongoing trial. In the event the Court wishes to discuss any issue with counsel, counsel for the Commission will be available anytime after July 5, 2006.

Respectfully,

Valerie A. Szczepanik
Senior Trial Counsel

cc: Christopher B. Weldon, Esq. (by fax)
Winfield D. Ong, AUSA (by fax)

A pretrial conference
will be held Wednesday,
July 26, 2006 at 3:00 pm.
The parties shall confer beforehand
on or pretrial schedule.

SO ORDERED:

Harold Baer, Jr., U.S.D.J.
Date: 7/6/06

Endorsement:

A pretrial conference will be held Wednesday, July 26, 2006 at 3:00 P.M. The parties shall confer beforehand on a pretrial schedule.